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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3647 of 2007

PETITIONER : Bisahu Ram Gond S/o Dukalu, age 59 years Permanent Gangman WRD – Working under S.D.O. WRD – Sub Division, Lormi Distt – Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1) State of Chhattisgarh, Through Secretary, Water Resources Deptt, Matralaya, D.K.S. Bhawan – Raipur (C.G.)

2) Sub Divisional Officer, WRD – Sub Division Lormi Distt – Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Ashok Vaishnav with Shri Sameer Sahu, Advocate for the petitioner.
Shri Sumesh Bajaj, Govt. Advocate for the State/respondents.

ORDER
(Passed on 28th day of June, 2007)

1. By this petition, the petitioner, who has worked as Gangman (permanent), seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shashkiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979), framed under Article 309 of the Constitution of India. After having attained the status of the permanent

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employee, the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 **(Govind Vs. State of Chhattisgarh & Others)** and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submission made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed, subject to verification of the facts. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit